IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.339 OF 2004

IN

SUIT NO.3154 OF 2003

...

Rajkumar R. Rajpal ...Plaintiff

v/s.

K.C. Bokadia & Ors. ...Defendants

...

Mr.H.N. Thakore i/b Thakore Jariwala & Associates for the Plaintiff.

Mr.S.A. Shetty i/b Shetty & Associates for the Defendant No.3.

...

CORAM: D.K.DESHMUKH, J.

DATED: 8TH DECEMBER,2004

P.C.:

1. This Notice of Motion is taken out by the Plaintiff. All the Defendants are served. He undertakes to file affidavit of service within one week from today. Defendant No.3 is appearing. Defendants Nos. 1 and 2 are not appearing. Interim reliefs claimed by prayer clause a(i) and a(ii) are directed against Defendants Nos. 1 & 2. Prayer clause a(iii) is directed against Defendant No.3.

2. At the out set, the learned Counsel for the Plaintiff states that the Plaintiff at this juncture presses for reliefs claimed by prayer clauses a(i), (ii) and (iii) only against the Defendants Nos. 1 & 2. As observed above, reliefs claimed by prayer clauses a(i) and a(ii) operate against the Defendants Nos. 1 & 2. They are served. They are not appearing. They have not filed any reply. Therefore accepting the averments made in the affidavit filed in support of the Notice of Motion at their face value, Notice of Motion is granted in terms of prayer clauses a(i), a(ii) and a(iii) only against the

Defendants Nos. 1 & 2.

3. In the result, therefore, Notice of Motion is granted in terms of prayer clauses a(i), a(ii) and a(iii), excluding the bracketed portion.

Notice of Motion disposed of.

...